

## **REMARKS**

The drawings stand objected to for including reference character S40, which was not in the original Specification. In response, Applicants have amended pages 12, 18 and 19 to refer to S40. No new matter has been added to the application because the added text was found in Figure 4, as originally filed. Since the reference character S40 is now found in the text of the Specification, withdrawal of this objection is respectfully requested.

The disclosure has been objected to for several minor informalities. In response, Applicants have corrected the informalities in the manner suggested by the Examiner. Applicants appreciate the Examiner's helpful suggestions.

Claims 2, 3, 6, 8 and 9 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse this rejection.

Claims 8 and 9 have been cancelled, without prejudice, and Claims 2, 3, and 6 have been amended to clarify the subject matter being claimed. Applicants respectfully submit that the claims, as amended, are clear for the purposes of 35 U.S.C. §112, second paragraph, and withdrawal of this §112 rejection is respectfully requested.

Claims 1, 2, 4, 5, 7, 8, and 10-12 stand rejected under 35 U.S.C. §102 (b) as being anticipated by United States Patent No. 6,694,288 to Smocha et al. Claims 3, 6 and 9 stand rejected under 35 U.S.C. §103 as being unpatentable over Smocha et al. in view of United States Patent No. 6,694,288 to Bertram et al. Applicants have cancelled Claims 7-12,

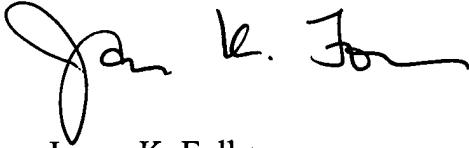
without prejudice, thereby rendering these rejections moot with respect to these claims.

However, with respect to Claims 1-5, Applicants respectfully traverse these rejections.

Applicants respectfully submit that the Smocha et al. reference and the Bertram et al. reference, alone or in combination, fail to disclose or suggest all of the features of the present invention. More specifically, the cited references fail to disclose or suggest processes for, *inter alia*, dynamically determining a resource item to be monitored and a threshold to be used for monitoring based on the results of monitoring as a monitoring condition, as defined in independent Claims 1 and 5 (and new Claim 21). Accordingly, as all of the features of the claims, as amended, are not disclosed in the cited references, alone or in combination, Applicants respectfully request the withdrawal of these rejections.

For all of the above reasons, Applicants request reconsideration and allowance of the claimed invention. Should the Examiner be of the opinion that a telephone conference would aid in the prosecution of the application, or that outstanding issues exist, the Examiner is invited to contact the undersigned.

Respectfully submitted,  
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